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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/745,091	12/19/2000	Florian Twinkwalder	00 P 7662US01	8861

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Attn: Elsa Keller
Siemens Corporation
Intellectual Property Department
186 Wood Avenue South
Iselin, NJ 08830

EXAMINER

BAROT, BHARAT

ART UNIT	PAPER NUMBER
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2155

DATE MAILED: 06/01/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/745,091

Applicant(s)

TWINKWALDER ET AL.

Examiner

Bharat N. Barot

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 March 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

RESPONSE TO REQUEST FOR CONTINUED EXAMINATION (RCE)

1. Claims 1-20 remain for further examination.

The new grounds of rejection

2. Applicants' arguments and amendments with respect to claims 1-20 and request for continued examination (RCE) filed on March 29, 2006 have been fully considered but they are deemed to be moot in view of the new grounds of rejection.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

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4. Claims 1-4, 6-9, 11-14, and 16-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Ma et al (U.S. Patent No 7,006,487). Ma's patent meets all the limitations for claims 1-4, 6-9, 11-14, and 16-20 recited in the claimed invention.

Ma teaches the invention substantially as claimed a telecommunication apparatus between a voice frame network gatekeeper and an intelligent peripheral device (see abstract and figure 1).

5. As to claim 1, Ma discloses a system, comprising: an H.323-compatible telecommunications program (figures 1 and 3; and column 3 lines 6-18 and 33-45); and a test program configured to allow a user to selectively build and view H.450 APDUs, provide the H.450 APDUs to the H.323-compatible telecommunications program, and receive corresponding H.450 APDUs from destination systems (see abstract; figure 4; column 4 lines 1-15 and 31-38; and column 4 line 64 to column 5 line 7, Ma discloses that a gatekeeper and intelligent peripheral are interfaced with an H.450 program layer to carry H.225 messages between H.323 communication endpoints).

6. As to claims 2-4, Ma discloses that the test program including a graphical user interface (GUI) adapted to allow a user to input predetermined H.225 messages, fill in H.225 information fields, and input a predetermined network facility extension (figures 2-3; and column 3 lines 6-67).

7. As to claim 6, Ma discloses a system comprising: an H.450 client (figure 1; column 2 lines 4-20; and column 2 line 53 to column 3 line 5); and a test program adapted to allow a user to selectively specify and display an H.225 message for sending to other systems (figures 2-3; column 3 lines 6-67; and column 4 lines 16-30, Ma discloses that a gatekeeper and intelligent peripheral are interfaced with an H.450 program layer to carry H.225 messages between H.323 communication endpoints).

8. As to claim 7, Ma discloses that the test program including a graphical user interface (GUI) adapted to allow a user to specify an H.450 APDU and network facility extension (figures 2-4; and columns 3-4).

9. As to claim 8, Ma discloses that the H.450 APDU viewable as a tree-structured text string (columns 4-8).

10. As to claim 9, Ma discloses that a user can send an H.225 message without an H.450 APDU (column 5 lines 9-28; and column 9 lines 22-67).

11. As to claims 11-14 and 16-20, they are also rejected for the same reasons set forth to rejecting claims 1-4 and 6-9 above, since claims 11-14 and 16-20 do not teach or define any new limitations than claims 1-4 and 6-9; therefore, they are rejected for similar reasons.

Claim Rejections - 35 USC § 103(a)

12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

13. Claims 5, 10, and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ma et al (U.S. Patent No 7,006,487).

14. As to claim 5, Ma discloses that the GUI adapted to display the H.225 message (columns 5-6). Ma fails to teach the claimed limitation that said H.225 message is displayed in an XML-like format. However, Official Notice" is taken that the concept and advantages of using XML format to represent GUI objects is old and well known in the art. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Ma by specifying XML format for H.225 message fields. One would be motivated to do so to allow for use of popular interactive browser extensions.

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15. As to claims 10 and 15, they are also rejected for the same reasons set forth to rejecting claim 5 above, since claims 10 and 15 do not teach or define any new limitations than claim 5; therefore, they are rejected for similar reasons.

Response to Arguments

16. Applicant's arguments have been fully considered. The examiner has attempted to answer (response) to the remarks (arguments) in the body of the Office action.

Contact Information

17. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Bharat Barot** whose Telephone Number is (571) **272-3979**. The examiner can normally be reached on Monday-Friday from 9:30 AM to 6:00 PM. Most facsimile-transmitted patent application related correspondence is required to be sent to the Central FAX Number (571) **273-8300**.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Saleh Najjar**, can be reached at (571) **272-4006**.

Patent Examiner Bharat Barot

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May 23, 2006


BHARAT BAROT
PRIMARY EXAMINER